



# *COMMONWEALTH of VIRGINIA*

*DEPARTMENT OF ENVIRONMENTAL QUALITY*

PIEDMONT REGIONAL OFFICE

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[www.deq.virginia.gov](http://www.deq.virginia.gov)

Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

Michal P. Murphy  
Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD  
ENFORCEMENT ACTION  
AMENDMENT TO ORDER BY CONSENT  
ISSUED TO  
WASTE ASSOCIATES, LLC  
AND  
THE EAST END LANDFILL, LLC  
FOR THE  
EAST END LANDFILL  
Solid Waste Permit No. 524  
AND THE  
DARBYTOWN ROAD LANDFILL  
Solid Waste Permit No. 525**

## **SECTION A: Purpose**

This is an Amendment of an Order by Consent issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board ("Board"), Waste Associates, LLC ("Waste Associates"), and The East End Landfill, LLC ("TEEL") regarding the East End Landfill and the Darbytown Road Landfill, for the purpose of ensuring compliance with the Virginia Waste Management Act and the applicable regulations and revising certain provisions of the Order by Consent ("2009 Order") issued by the Board to TEEL and Darbytown Road Landfill, Inc. ("DRL"), on August 24, 2009.

## **SECTION B: Basis for Amendment**

1. On August 24, 2009, the Board issued TEEL and DRL a Consent Order regarding the East End and Darbytown Road Landfills (collectively, "Facilities"). The 2009 Order was intended to resolve noncompliant conditions at the Facilities.
2. During September 2009, DRL merged with TEEL. DRL no longer exists as a separate corporate entity. Waste Associates, LLC ("Waste Associates") is the parent LLC of TEEL.

3. TEEL and Waste Associates have completed and fully addressed all items required in Appendix A, B, and C of the 2009 Order other than those items identified in Appendix A and B of this Amendment. This Amendment, which has been agreed to by DEQ and Waste Associates and TEEL, will resolve the outstanding items with respect to the 2009 Order.
4. Further, since execution of the 2009 Order, the Department has issued certain Notices of Alleged Violation ("NOV") to Waste Associates and TEEL including Notices of Violation No. 2010 07 PRO 601, No. 2010 07 PRO 602, No. 2011 02 PRO 601, No. 2011 04 PRO 601, No. 2011 04 PRO 602, No. 2011 06 PRO 601, No. 2011 06 PRO 602 No. 2011 07 PRO 602 No. 2011 07 PRO 603 (collectively the "2010 and 2011 NOV's"). This Amendment expressly incorporates and addresses the alleged noncompliance identified in the 2010 and 2011 NOV's.
5. This Amendment sets forth a schedule of compliance for those items agreed upon by the Board and Waste Associates and TEEL that shall be addressed and the schedule under which performance shall take place.

#### **SECTION C: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Waste Associates and TEEL, and Waste Associates and TEEL agree to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes Appendix A of the 2009 Order;
2. Perform the actions described in Appendix B of this Amendment, which supersedes Appendix B of the 2009 Order;
3. Provide \$50,000 upon execution of the Order to fund a DEQ compliance inspector dedicated to the facility pursuant to the Memorandum of Agreement executed between DEQ and Waste Associates and TEEL which is incorporated by reference into the Order;
4. Pay a civil charge of \$100,000 within 30 days of the effective date of the Order in settlement of the alleged violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

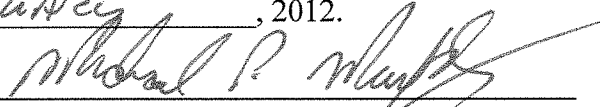
Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Waste Associates and TEEL shall include their Federal Employer Identification Numbers (FEIN) with the civil charge payment and shall indicate that the payment is

being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

The Board and Waste Associates and TEEL understand and agree that this Amendment does not alter, modify, or amend any other provision of the 2009 Order, and that the unmodified provisions of that document remain in effect by their own terms and are incorporated herein. Pursuant to its terms, Waste Associates and TEEL remain responsible and liable for all other requirements of 2009 Order for both facilities. Also, this Amendment only addresses and resolves those alleged violations specifically identified in the 2010 and 2011 NOV's and the remaining items from the 2009 Order. This Amendment shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Amendment. This Amendment shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

And it is so ORDERED this 10<sup>th</sup> day of FEBRUARY, 2012.

  
By: Michael P. Murphy, Regional Director  
Department of Environmental Quality

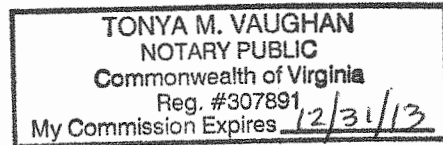
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Waste Associates, LLC voluntarily agrees to the issuance of this Amendment.

Date: 1/9/2012 By: Michael P. Monroe, President + CEO  
(Person) (Title)  
Waste Associates, LLC

Commonwealth of Virginia

City/County of Richmond



The foregoing document was signed and acknowledged before me this 9th day of

January, 2012, by Michael P. Monroe, who is  
(name)

President + CEO of Waste Associates, LLC, on behalf of Waste  
(title) Associates, LLC

Tonya M. Vaughan  
Notary Public

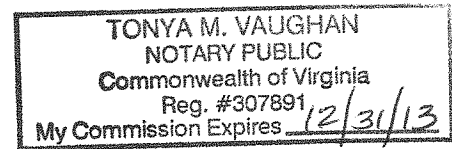
My commission expires: Dec. 31, 2013

The East End Landfill, LLC voluntarily agrees to the issuance of this Amendment.

Date: 1/9/2012 By: Michael P. Monroe, President  
(Person) (Title)  
The East End Landfill, LLC

Commonwealth of Virginia

City/County of Richmond



The foregoing document was signed and acknowledged before me this 9th day of

January, 2012, by Michael P. Monroe, who is  
(name)

President of The East End Landfill, LLC, on behalf of The East End  
(title) Landfill, LLC

Tonya M. Vaughn  
Notary Public

My commission expires: Dec. 31, 2013

## APPENDIX A

### **TEEL and Waste Associates shall at the TEEL Facility:**

1. Abide by the Virginia Waste Management Act, the Solid Waste Management Regulations, and its Permit.
2. **Upon relocation of Groundwater Monitoring Well #17**, implement the cut and fill plan approved on September 15, 2010 according to its terms and schedule and submit within 30 days thereof a revised final grading plan for the facility. TEEL and Waste Associates shall not alter, amend, or change the cut and fill plan without prior approval by DEQ and shall alter, amend, or change the cut and fill plan as requested by DEQ. In particular, TEEL and Waste Associates shall not place, store, stockpile, or dispose of solid waste or non-approved material including Coal-Combustion By-product ("CCB") in any area or point of the TEEL facility that is above the permitted final elevation or in areas with slopes greater than 2.5:1.
3. **No later than January 10, 2012**, TEEL and Waste Associates shall submit a topographic survey to DEQ. The survey shall depict the current elevations and slopes at the facility as of no later than October 10, 2011 and no earlier than September 1, 2011 and shall include cross sections. Every 30 days thereafter until TEEL and Waste Associates have achieved compliance with approved slopes and elevations, TEEL and Waste Associates shall conduct field surveys depicting current slopes and elevations and submit the results within 10 days of conducting the survey. Each revised survey shall also include a projected completion date to achieve full compliance.
4. All excess CCB material including CCB that was planned to be used in the reclamation of the Old Richmond Landfill shall be removed from the site for proper disposal or other lawful disposition. In no event shall any of the stored CCB material remain on site beyond June 15, 2012.  
TEEL and Waste Associates shall provide sufficient documentation of amounts and destination for all CCB removed from the facility. TEEL and Waste Associates shall maintain the additional Financial Assurance posted for the CCB on-site until such time as all CCB is properly addressed pursuant to the above.
5. All required submittals shall be sent to:

Justin L. Williams, Esq.  
Virginia Department of Environmental Quality  
629 E. Main St.  
Richmond, Virginia 23219

## APPENDIX B

### **TEEL and Waste Associates shall at the DRL Facility:**

1. Abide by the Virginia Waste Management Act, the Solid Waste Management Regulations, and its Permit.
2. **No later than 180 days following issuance of a Certificate to Operate Cell III-C, or in the event the Department denies the permit amendment for Cell III-C, within 180 days following the denial,** TEEL and Waste Associates shall achieve compliance with the approved slopes and elevation at the DRL facility. **Exterior slopes shall be no greater than 2.5:1. Elevations shall be no higher than approved final elevations in its Permit.** In particular, TEEL and Waste Associates shall not place, store, stockpile, or dispose of solid waste or non-approved material including CCB in any area or point of the DRL facility that is above the permitted final elevation or in areas that slopes greater than 2.5:1.
3. **No later than January 10, 2012,** TEEL and Waste Associates shall submit a topographic survey to DEQ regardless of whether TEEL and Waste Associates have achieved compliance with the slopes and elevations. The survey shall depict the current elevations and slopes at the DRL facility as of no later than October 10, 2011 and no earlier than September 1, 2011 and shall include cross sections. Every 30 days thereafter until TEEL and Waste Associates have achieved compliance with approved slopes and elevations, TEEL and Waste Associates shall conduct field surveys depicting current slopes and elevations and submit the results within 10 days of conducting the survey. Each revised survey shall also include a projected completion date to achieve full compliance.
4. **All required submittals shall be sent to:**

Justin L. Williams, Esq.  
Virginia Department of Environmental Quality  
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